

C O U N C I L      C O M M U N I C A T I O N

TO: THE CITY COUNCIL

FROM : THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE: OCTOBER 5, 1988

SUBJECT: REPORT BY COMMUNITY DEVELOPMENT DIRECTOR CONCERNING RECOURSE THE OWNER  
OF A SINGLE-FAMILY RESIDENCE HAS IF THE RESIDENCE IS LOCATED IN THE  
"MORATORIUM AREA" AND IS SURROUNDED BY APARTMENT COMPLEXES

BACKGROUND INFORMATION: At the City Council meeting of Wednesday, September 7, 1988, Council-Person Olson asked what a single-family property owner in the East Side Study could do with his property when it was adjacent to multiple family on two or three sides.

The Ordinance as adopted by the City Council classified that property as single-family and no units could be added. However, under the City's "Granny Ordinance" (Residential Second Units) he might be eligible for an additional unit as are many other single-family parcels throughout the City. A copy of that "Granny Ordinance" is attached for the City Council's information.

It has been determined that in the East Side study area (map enclosed) there exist 43 single-family homes that abut on two sides or more by other than single-family units or duplexes. To permit **43** additional apartment conversions would aggravate the problems of utility impactions, traffic and overcrowding the Planning Commission and City Council were concerned about when the East Side zoning **was** accomplished.

When the present sewer moratorium was adopted, no additional conversions to apartments were contemplated in the study area. It appears that any changes in the status of the 43 homes will have to wait until the White Slough expansion and utility improvements are completed.

*James B. Schroeder*  
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Community Development Director

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Attachment

## RESIDENTIAL SECOND UNITS

### DEFINITION - Residential Second Unit

A residential second unit is an additional living unit on a lot within a single family zone. A second unit is a self-contained unit with separate kitchen, living and sleeping facilities. A second unit can be created by a) altering a single family dwelling to-establish a separate unit or b) adding a separate unit onto an existing dwelling.

### BACKGROUND

SB 1534, Mello, adopted by the State in 1982, authorizes cities and counties to provide, by ordinance, for the creation of second units, as defined in single-family residential zones. The general intent of the legislation is to increase the available housing stock in the State, particularly for low and moderate income families.

The Legislature found that there were many underutilized parcels of land in the State and that second units would benefit the public by:

1. Providing cost effective development through the use of existing infrastructures, as contrasted to requiring the construction of new infrastructures in undeveloped areas.
2. Provide relatively affordable housing without public subsidy.
3. Provide a means for purchasers of new or existing homes to meet payments on high interest loans.
4. Provide security for homeowners who fear both criminal intrusion and personal accidents while alone.

Additionally, this has become popular as a way in which families can provide housing for an elderly parent while still allowing independent living. This is why this type of housing is sometimes referred to as "Granny Housing."

### LEGISLATIVE REQUIREMENT

The Legislation requires that cities and counties do one of the following:

1. Adopt State Legislation by reference. This alternative would mean that the jurisdiction would accept the State mandate and allow, with a conditional use permit, second units in single-family residential zones.
2. Adopt a focal ordinance permitting second units. This would allow jurisdictions to adopt specific conditions and restrictions for second units as long as they were not totally prohibited.

3. Adopt a local ordinance prohibiting second units. Jurisdictions can prohibit second units by adopting an ordinance that has findings that acknowledge that such action may limit housing opportunities of the region. Additionally, findings that have specific adverse impacts of public health, safety and welfare would result from allowing second units.

#### PROPOSED CITY ORDINANCE

The Legislation allows local jurisdictions to adopt ordinances that set standards for parking, height, setback, lot coverage, architecture and size of unit. There can also be restrictions on the age of tenants, who can apply and whether a use permit is required. Other conditions can also be included if desired by the local jurisdiction.

The attached draft ordinance is what the Community Development Department is proposing for the City of Lodi. The ordinance would be an amendment to the Zoning Ordinance and would be added to the Sections on R-1 and R-2 zoning.

The proposed amendment would allow second units to be constructed on single-family lots that have an existing residence. The second unit must obtain a use permit and the applicant must be the owner/occupant of the main residence on the property. The second unit must also meet minimum lot size, setback and architectural requirements, must be attached to the main residence and must provide additional parking.

Other conditions are possible, however, staff feels that the proposed ordinance is a workable compromise. It protects the neighboring properties while, at the same time, allows people who can meet the conditions to build a second unit. We feel that the proposed ordinance meets the intent of the legislation to provide additional affordable housing.

Based on the experience of other cities that have allowed second unit residences, we do not expect a significant number of people to **apply** for these units.

The following use is added to the R-1, R-2, and R-LD Districts:

#### Second-Unit Dwellings

A second residential unit may be added to an existing residence on a single-family lot provided that the following conditions apply:

1. Use Permit
  - a. The applicant for a second unit must secure a Use Permit from the Planning Commission.
  - b. The applicant for the Use Permit must be the owner/occupant of the property on which the second unit will be constructed.

3. Adopt a local ordinance prohibiting second units. Jurisdictions can prohibit second units by adopting an ordinance that has findings that acknowledge that such action may limit housing opportunities of the region. Additionally, findings that have specific adverse impacts of public health, safety and welfare would result from allowing second units.

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2. Height and Area

- a. A lot proposed for a second unit must meet the following minimum lot size requirements:

R-1 - 6,500 square feet minimum lot size.

R-2 - 6,000 square feet minimum lot size.

- b. All setback, height and lot coverage requirements of the zone must be met.

3. Design Standards

- a. The second unit must be made structurally and architecturally compatible with the existing residence.
- b. No new entrances will be permitted on the front of the existing residence.
- c. The floor area of the second unit cannot exceed 400 square feet.

4. Parking

One legal off-street parking space must be provided for the new unit. The parking space must be in addition to the parking required for the main residence and must meet all setback requirements.

5. General Standards

In all cases the City shall determine that the proposed unit is compatible with the design of the surrounding residences and does not adversely affect public facilities or the neighborhood.

# CITY OF LODI

## APARTMENT MORATORIUM

### STUDY AREA

